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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/708,617

03/15/2004

Shannon G. Parsons

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36790

7590

02/20/2008

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EXAMINER

KING, ANITA M

ART UNIT

PAPER NUMBER

3632

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/708,617	<b>Applicant(s)</b> PARSONS, SHANNON G.	
	<b>Examiner</b> Anita M. King	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 36,39,41-43,46 and 49-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36,39,41-43,46,49,50,52 and 53 is/are allowed.
- 6) ☒ Claim(s) 51 and 54-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/26/07(2)</u> .   | 6) <input type="checkbox"/> Other: _____                          |

This is the sixth office action for application number 10/708,617, Display Adjustably Positionable about Swivel and Pivot Axes, filed on March 15, 2004.

***Claim Rejections - 35 USC § 112***

Claims 51 and 54-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 51 recites the limitation "said headrest" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 54 recites the limitation "said headrest" in line 13. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,950,086 to Schulman et al., hereinafter Schulman, and in view of U.S. Patent 6,899,442 to Howell et al., hereinafter Howell. Schulman discloses an arrangement for variably supporting a display, the arrangement comprising: an overhead track (11); a carriage (14) coupled to the overhead track such that the carriage can be variably positioned along the overhead track; a first arm (17) coupled to and suspended from the carriage such that the first arm can be variably swiveled about the coupling to the carriage; a second arm (19) coupled to the first arm; a display (20) coupled to the second arm such that a display screen (21) may be disposed in a horizontal orientation; a dental chair (13) for receiving a person (12) in a resting

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position; wherein the display is adjustably suspended vertically above an headrest of the dental chair, with the display screen disposed in an orientation facing the headrest, for viewing by the person received in the dental chair; wherein the overhead track extends directly over the headrest of the dental chair; and wherein the display screen is disposed in An horizontal orientation.

Schulman discloses the claimed invention except for the limitation of the second arm being variably positioned in different inclinations to the first arm about a first swivel axis. Howell teaches an arrangement for variably supporting a display, the arrangement comprising a first arm (50) mounted to a support (11) by a coupling (12) such that the first arm can be variably swiveled about the coupling to the support; a second arm (66) coupled to the first arm such that the second arm can be variably positioned in different inclinations to the first arm and such that the second arm can be variably swiveled relative to the first arm about a first swivel axis (64); a display (42) coupled to the second arm by a subassembly (67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the first and second arms of Schulman to have included the arm arrangement as taught by Howell for the purpose of providing more degrees of adjustability of the assembly in regards to the supporting structure and the display suspended therefrom.

In regards to the limitation of the display being suspended vertically directly above the headrest of the dental chair, the combination the Schulman and Howell references inherently teach this limitation. In Schulman, it is inherent that the display screen (21) can be positioned vertically directly above the headrest of the dental chair, since the first arm (17) is positionable along the length of the track (110) and is capable

of being positioned directly above the headrest of the chair. The combination of Schulman and Howell teach the arrangement with the monitor being oriented to be viewed by the person in the dental chair.

***Allowable Subject Matter***

Claims 36, 39, 41-43, 46, 49, 50, 52, and 53 are allowed.

Claims 51 and 57-60 (as they depend from claim 54) would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,201,896 to Kruszewski

U.S. Patent 5,772,174 to Hirsch et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anita M. King/  
Primary Examiner  
Art Unit 3632

February 21, 2008